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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/220,993	12/28/1998	BERNIE G. JANSEN	91436-147	5340

22463 7590 01/03/2002

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EXAMINER	
HUA, LY	

ART UNIT	PAPER NUMBER
2131	5

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/220,993	Jansen et al.
Examiner	**Art Unit**
Ly V. Hua	2131

-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. With regard to claims 8 and 10:

i. Claim 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps that appear to be necessary for linking the steps recited in claims 8 and 10 to those that are in claim 4.

b. With regard to claim 9:

i. The phrase "said intercepting, determining, and blocking occurs ... and includes ..." is not idiomatic since its verb is not in agreement with its subjects.

ii. The higher level driver is recited without a lower one being recited cause confusion. What kinds of driver, terminal are being referred to is not clear.

iii. What input is being provided to a higher level driver is not clear.

c. With regard to claims 11 and 12:

i. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps that must exist in order to link the setting step to the loading step and the steps that must exist in order to link the loading step to the setting step.

ii. In claim 11, the work "it" lacks antecedent basis.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cason et al (4,410,957 hereinafter Cason).

a. As per Claims 1, 2 and 14:

i. Cason teaches:

(1) [inherently] intercepting at least one key code [to have it in order for making Cason's comparison possible];

(2) determining if the intercepted at least one key code is authorized --- [i.e., the combination of functions 92 and 94 (Fig. 3)]; and

(3) blocking/[discarding]

(a) the intercepted at least one key code

(b) if the intercepted at least one key code is not authorized --- [i.e., function 96].

ii. It is understood that Cason's Figure 3 is implemented as a computer executable instruction stored in a computer readable medium.

b. As per claim 4:

i. Cason teaches [see e.g. his Abstract]:

(1) comparing keycode to a table.

c. As per claim 6:

i. Cason teaches:

(1) [inherently] intercepting at least one key code [to have it in order for making Cason's comparison possible];

(2) determining if the intercepted at least one key code is authorized --- [i.e., the combination of functions 92 and 94 (Fig. 3)]; and

(3) blocking/[discarding]

(a) the intercepted at least one key code

(b) if the intercepted at least one key code is not authorized --- [i.e., function 96].

ii. Cason teach that:

(1) his keycode is received [by element 48] from an event queue [i.e., keystroke queue 42)].

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cason et al (4,410,957 hereinafter Cason).

a. <u>As per claim 3:</u>

i. Official notice is hereby taken that it is a common practice in the art to display on a message if a key code entered by a user is not authorized so as to make known to an unauthorized user his/her forbidden activity.

b. As per claim 9:

i. Cason teaches:

(1) [inherently] intercepting at least one key code [to have it in order for making Cason's comparison possible];

(2) determining if the intercepted at least one key code is authorized --- [i.e., the combination of functions 92 and 94 (Fig. 3)]; and

(3) blocking/[discarding]

(a) the intercepted at least one key code

(b) if the intercepted at least one key code is not authorized --- [i.e., function 96].

ii. Cason further teaches that:

(1) his teaching is applied as a filter

iii. However Cason does not explicitly teach:

(1) that his filtering can be bypassed by a higher level driver.

iv. Official notice is hereby taken that it is a common practice in the art to provide a higher layer level that can bypass a lower layer level.

v. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a provision in a lower layer level through which a higher layer level can be used to bypass that lower layer level.

c. As per claims 8 and 10:.

i. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that:

(1) Cason's computer inherently include standard features (i.e., all the steps recited in applicant's claims 8 and 10) for allowing a computer user to set/reset his/her CMOS configuration information at time of boot up his/her computer.

d. As per claims 11 and 12:

i. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that:

(1) Cason's computer, if meeting a standard, includes all the steps recited in these claims.

ii. The skilled person would have been motivated to realize that:

(1) Cason's computer include:

(a) a necessary means to perform the functions of :

(i) setting gamma tables to zero; and

(ii) setting the gamma tables to normal values

because such means is necessary for prolonging the lifetime of a monitor (notice that screen saver and screen blanking need such means);

(b) a necessaria means to perform the function of:

(i) loading operating system components

because loading an operating system is necessary for subsequent operations on a computer

(c) a necessary means to perform the function of:

(i) sending data to a remote terminal before it reaches an interrupt handler.

because a computer's ability to send data to another computer before it handle an interrupt is a common practice in the art (notice that in fault recovery, a computer would send its data to another available computer so that an interrupted process can be processed thereat).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cason et al (4,410,957 hereinafter Cason) in view of Roylance (5,574,447).

a. <u>As per Claim 7:</u>

i. Cason teaches:

(1) [inherently] intercepting at least one key code [to have it in order for making Cason's comparison possible];

(2) determining if the intercepted at least one key code is authorized --- [i.e., the combination of functions 92 and 94 (Fig. 3)]; and

(3) blocking/[discarding]

(a) the intercepted at least one key code

(b) if the intercepted at least one key code is not authorized --- [i.e., function 96].

ii. Cason further teaches:

(1) keycodes being compared to contents stored in table [64].

iii. However, Cason does not explicitly teach:

(1) storing intercepted key codes in a buffer prior to his comparison of his keycodes.

iv. Roylance teaches:

(1) storing intercepted key codes in a buffer prior to comparing them with another keycode.

v. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) buffer Cason's intercepted key codes before comparing them with other key codes.

vi. The skilled person would have been motivated to do such buffering because:

(1) Roylance teaches the concept; and

(2) it is a common practice in the art to buffering information prior to using them especially for purpose such as allowing flexible timing control.

8. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cason et al (4,410,957 hereinafter Cason) in view of Tsuzuki (JP361110265A).

a. As per claim 5 and 13:

i. Cason teaches:

(1) [inherently] intercepting at least one key code [to have it in order for making Cason's comparison possible];

(2) determining if the intercepted at least one key code is authorized --- [i.e., the combination of functions 92 and 94 (Fig. 3)]; and

(3) blocking/[discarding]

(a) the intercepted at least one key code

(b) if the intercepted at least one key code is not authorized --- [i.e., function 96].

ii. However Cason does not explicitly teach:

(1) that his key code, if determined to authorized, is passed forward.

iii. Tsuzuki teaches:

(1) passing an intercepted key code, if it passes a comparison test, to an appropriate place wherein it can be taken for used/[execution].

iv. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a provision in a lower layer level through which a higher layer level can be used to bypass that lower layer level.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)

Or:

(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

11. The Examiner, hereby, requests that the Applicant would please provide (in additional with a normal response in hard copy) the Examiner an electronic **copy** of Applicant's response to this Office Action by E-mail it to the Examiner's E-mail address Ly.Hua@USPTO.GOV.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ly Hua whose telephone number is (703) 305-9684. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached on (703) 305-9711. The fax phone number for this Group is (703) 305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

LY V. HUA
PRIMARY PATENT EXAMINER
ART UNIT 2131

L. Hua
December 30, 2001